

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: George W. Ratermann                           PATENT APPLICATION  
Serial No: 10/807,043                                   Group Art Unit: 3753  
Filed: March 22, 2004                                   Examiner: C.K. Lee  
Confirmation No.: 4080                                   Attorney Docket No.: RMI-003  
For: PROTECTION AND TAMPER NOTIFICATION DEVICE  
FOR USE WITH A VALVE

Applicants-Appellants Opening Brief

Introduction

This is an appeal brief under 37 CFR 41.37 relating to the rejection of claims 1-3, 5-9, 13, 16-17, 21, 27-28, and 30 in the above-identified patent application. The fee for filing this appeal brief is being paid electronically. Please charge any additional fee to Deposit Account No. 190590.

(i) Real party in interest. George W. Ratermann

(ii) Related proceedings. There are no related appeals, interferences or judicial proceedings known to Applicant-Appellant.

(iii) Status of claims. Claims 1-3, 5-9, 13, 16-17, 21, 27-28 and 30 have been rejected. The rejection of claims 1-3, 5-9, 13, 16-17, 21, 27-28 and 30 is appealed herewith. Claims 4, 10-12, 14-15, 18-20, and 22-26, 29 and 31-32 have been canceled.

(iv) Status of Amendments. An amendment was filed on April 1, 2008 after the final rejection dated January 24, 2008. To the best of Applicant's knowledge, that amendment has not been acted upon yet.

(v) Summary of Claimed Subject Matter

Applicant-Appellant claims in independent claim 1 a tamper notification and protection device (32) for use with a valve (48) that includes a fitting (26, 28) to be protected (Applicant's specification, page 5, lines 17-34), the device comprising a tapered cylinder (20) (Applicant's specification, page 5, lines 20-23) and securing means (24) on both inner and outer tapered surfaces configured to allow mounting onto the fitting (Applicant's specification, page 3, lines 32-34; page 4, lines 1-2, 6-12; page 5, lines 23-26; page 8, lines 1-36; page 9, lines 1-29), a base (22) extending across the tapered cylinder positioned to inhibit particles from entering the fitting (page 9, lines 30-36; page 10, lines 1-7), a first strap (34a) attached to one side of the tapered cylinder and bendable about the valve (Applicant's specification, page 6, lines 3-36) and having a ring (61), with an extended base (65), through which a burst disk (63) is insertable (Applicant's specification, page 6, lines 28-33), a second strap (34b) attached to another side of the tapered cylinder and bendable about the valve (Applicant's specification, page 6, lines 3-36), and a locking mechanism (38) configured to join the first strap to the second strap such that said locking mechanism indicates detachment (Applicant's specification, page 7, lines 1-9, lines 16-19).

Applicant-Appellant claims in independent claim 17 a tamper notification and protection device (32) for use with a valve (48) that includes a fitting (26, 28) to be protected, the device comprising a tapered cylinder (20) (Applicant's specification, page 5, lines 20-23) having an inner and outer surface configured to secure the cylinder onto the fitting (Applicant's specification, page 3, lines 32-34; page 4, lines 1-2, 6-12; page 5, lines 23-26; page 8, lines 1-36; page 9, lines 1-29), a base (22) mounted within the tapered cylinder to inhibit particles from entering the first fitting (page 9, lines 30-36; page 10, lines 1-7), a first strap (34a) and a second strap (34b) configured to be bendable about the valve (Applicant's specification, page 6, lines 3-36), the first strap having a ring (61), with an extended base (65), through which a burst disk (63) is insertable (Applicant's specification, page 6, lines 28-33), the tapered cylinder being disposed between the first strap and the second strap (page 2, line 34-page 3, line 3), the first strap configured to be fastenable to the second strap (Applicant's specification, page 7, lines 1-9, lines 16-19).

Applicant-Appellant claims in independent claim 30 a protection device (32) for use with a valve (48) that includes a fitting (26, 28), the device comprising a tapered cylinder (20) (Applicant's specification, page 5, lines 20-23) including an inner tapered surface having a securing means (24) (Applicant's

specification, page 3, lines 32-34; page 4, lines 2-5, lines 6-8, lines 12-15; page 8, lines 1-36; page 9, lines 1-11) and an outer tapered surface having securing means (24) (Applicant's specification, page 3, lines 32-36; page 4, lines 1-2, lines 6-12; page 8, lines 1-36; page 9, lines 1-11), the tapered cylinder attachable to fittings of various sizes by using one of either of the securing means of the inner or outer surface (Applicant's specification, page 9, lines 12-14), a base (22) configured to inhibit particles from entering the valve fitting (page 9, lines 30-36; page 10, lines 1-7), a first strap (34a) attached to one side of the tapered cylinder and bendable about the valve and having a ring (61), with an extended base (65), through which a burst disk (63) is insertable, (Applicant's specification, page 6, lines 3-36), a second strap (34b) attached to another side of the tapered cylinder and bendable about the valve (Applicant's specification, page 6, lines 3-36), a fastener allowing joining of the first strap to the second strap wherein the fastener cannot be unfastened without damaging the protection device (Applicant's specification, page 7, lines 1-9, lines 16-19).

(vi) The grounds of rejection to be reviewed on appeal are:

(1) Whether under 35 U.S.C. §103, U.S. Patent No. 5,417,349 to Stull in view of U.S. Patent No. 6,003,714 to Buermann renders

obvious Applicant-Appellant's claims 1-3, 5-9, 13, 16-17, 21, 27-28 and 30; and

(2) Whether under 35 U.S.C. §103, U.S. Patent No. 5,297,697 to Boring in view of U.S. Patent No. 6,003,714 to Buermann renders obvious Applicant-Appellant's claims 1-3, 5-9, 13, 16-17, 21, 27-28, and 30.

(vii) Argument

Claim Rejections 35 U.S.C. § 103

a. Claims 1-3, 5-9, 13, 16-17, 21, 27-28, and 30 are patentable over Stull in view of Buermann under 35 U.S.C. § 103(a)

Claims 1-3, 5-9, 13, 16, 17, 21, 28, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stull (U.S. Patent No. 5,417,349) in view of Buermann (U.S. Patent No. 6,003,714). This rejection is respectfully traversed.

In making the rejection the Examiner stated:

Stull discloses a valve (figure 6) including a first fitting (see figure 3, the nozzle 22), a second fitting connectable to a tank (see figure 3, element 20), a tapered cylinder (12) having an inner tapered surface and outer tapered surface (see figure 3), each having a securing means (25 and the protrusion around the cylinder outer surface) on both said inner and said outer tapered surface, a base extending across the tapered cylinder, the base positioned to inhibit particles from entering the first fitting (see figure 3). Stull discloses a strip (28) attached to one side of the tapered cylinder and bendable about the valve, however, Stull fails to disclose a second strap attached to another side of the tapered cylinder. Office action, page 2.

In response, Applicant-Appellant submits that Stull fails to teach or suggest a securing means on the outer surface of the stopper 12, as asserted by the Examiner. The Examiner refers to the protrusion of the stopper 12 as a securing means on the outer surface of the stopper. However, Applicant-Appellant respectfully submits that Stull is silent as to the function of this protrusion. Further, Applicant-Appellant submits that the protrusion does not secure the stopper. Without element 25, the stopper would not be secured by the protrusion. In fact, it would appear that the purpose of the protrusion is for prying the stopper off of the nozzle.

In contrast, Applicant-Appellant's claims recite a securing means on the outer tapered surface configured to secure the cylinder to a valve fitting. Specifically, independent claim 1 recites, "a securing means on both said inner and said outer tapered surfaces, either of said securing means configured to allow mounting onto a valve fitting...." Applicant-Appellant's independent claim 17 recites, "a tapered cylinder having an inner and outer surface configured to secure the cylinder onto a valve fitting...." Applicant-Appellant's independent claim 30 recites, "an outer tapered surface having a securing means, said tapered cylinder attachable to valve fittings of various sizes by using one of either said securing means of said inner surface or said securing means of said outer surface...."

As Stull fails to disclose elements of claims 1, 17, and 30, Applicant-Appellant submits that Stull fails to teach or suggest the present invention.

Further, Applicant-Appellant submits that the cited Stull reference is in a non analogous field and thus should not be relied upon. For Stull to be relied upon as a basis for rejection of Applicant-Appellant's invention, it must either be in the field of Applicant-Appellant's endeavor or be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). Here, Applicant-Appellant's field of endeavor comprises fluid stored in industrial tanks. Applicant-Appellant's specification, page 1, lines 12-15 and lines 18-27. In contrast, Stull's field of endeavor comprises dispensers for ophthalmic application. Stull, col. 1, lines 6-8. Clearly the field of endeavor of Stull differs from the field of industrial fluid storage. Further, Stull is not reasonably pertinent to the particular problem with which Applicant-Appellant was concerned. As stated in Applicant-Appellant's specification, Applicant-Appellant was concerned with providing a device for notification of tampering, and prevention of particulate contamination of fluid stored in industrial tanks. Applicant-Appellant's specification, page 1, lines 12-15 and lines 18-27. In contrast, Stull was concerned with avoiding eye infections caused by a user rubbing the tip of his finger past

the opening of the spout, and not with notification of tampering of an industrial fluid tank or prevention of particulate contamination of fluid stored in industrial tanks. Therefore, as the cited Stull reference is neither in Applicant-Appellant's field of endeavor nor reasonably pertinent to the particular problem with which Applicant-Appellant was concerned, it should not be considered analogous art to be relied upon in this obviousness rejection.

The Examiner asserts that Buermann supplements the missing teachings of Stull. Applicant-Appellant respectfully disagrees. With regard to Buermann, the Examiner stated:

Buermann discloses a tamper notification and protection device comprising means (1 and 13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the means or the tapered cylinder for blocking the first fitting (see figure 2), first strap fastenable to the second strap (28 and 94), a burst disk (28), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a strap receiver (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a first and second strips in arrangement with Stull's tapered cylinder in order to secure the tapered cylinder on the valve.

In response, Applicant-Appellant submits that providing first and second straps in arrangement with Stull's tapered cylinder in order to secure the tapered cylinder on the valve would not result in the two straps being able to be joined together as in

the claimed invention. Strap 28 in Stull is attached on one side to the stopper 12 and on the other side to cap body 16. If another strap were attached to the other side of stopper 12, the two straps could not meet up for joining, since the first strap end extends from the stopper and connects to the cap body.

In contrast, Applicant-Appellant's claim 1 recites, "a locking mechanism configured to fasten said locking mechanism to join said first strap to said second strap...." Applicant-Appellant's claim 17 recites, "said first strap configured to be fastenable to said second strap." Applicant-Appellant's claim 30 recites, "a fastener allowing joining of said first strap to said second strap...." The cited references fail to teach or suggest elements of independent claims 1, 17, and 30. Therefore, Applicant-Appellant submits that these claims are novel and non obvious over the cited references.

Also, the Examiner indicated that Buermann discloses a burst disk (28) as well as a strap receiver (28). In support of element (28) being labeled by the Examiner as the burst disk, The Examiner stated:

Regarding the intended used limitation "a ring through which the burst strap is insertable", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Office action, at page 3.

In response, Applicant-Appellant submits that element (28) of Buermann is not capable of performing both intended uses as labeled by the Examiner. Applicant-Appellant submits that Buermann discloses that element (28) is clasp receptacle (28) attached to the first strap (2). Buermann, col. 6, lines 54-55. Applicant-Appellant submits that it appears the Examiner is referring to element (28), the clasp receptacle, as both an element through which the burst disk is insertable and the strap receiver. Applicant-Appellant submits that element (28) could not function as both an element through which the burst disk is insertable and a clasp receptacle as the burst disk inserted within element (28) would interfere with the clasp receptacle functions. Modifying Buermann such that element (28) functioned as an element through which a burst disk were inserted would change a principle of operation of Buermann of having a clasp mechanism (Buermann, col. 2, lines 11-12) as element 28 could not have dual functions as asserted by the Examiner. The M.P.E.P. explicitly states that if "the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." M.P.E.P. § 2143.01, 2100-141 (Sept. 2007) (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959))

In contrast, the present invention claims a separate element through which a burst disk is insertable and a separate element for a locking mechanism or fastener. Specifically, Applicant-Appellant's independent claim 1 recites, "said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...and a locking mechanism configured to fasten said locking mechanism to join said first strap and said second strap...." Applicant-Appellant's independent claim 17 recites, "said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...said first strap configured to be fastenable to said second strap." Applicant-Appellant's claim 30 recites, "said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...a fastener allowing joining of said first strap to said second strap...."

Therefore, Buermann fails to disclose a ring through which a burst disk is insertable, as well as a locking mechanism or straps fastenable to each other, since element (28) cannot be used for both. Therefore, Buermann fails to supplement the missing teachings of Stull.

Further, Applicant-Appellant submits that its claimed ring includes an extended base, unlike the clasp of Buermann. The extended base is helpful with placing the ring about the burst

disk. Buermann fails to teach or suggest a ring through which a burst disk is insertable having an extended base as claimed in Applicant-Appellant's claimed invention.

Thus, for these additional reasons, Applicant-Appellant submits that independent claims 1, 17, and 30 are novel and non obvious over the cited references.

Further, claims 2, 3, 5-9, 13, and 16, which depend either directly or indirectly from independent claim 1, are allowable for at least the same reasons as claim 1. Also, claims 21 and 27-28 which depend from claim 17 are allowable for at least the same reasons as claim 17.

b. Claims 1-3, 5-9, 13, 16-17, 21, 27-28, and 30 are patentable under 35 U.S.C. § 103(a) over Boring in view of Buermann.

Claims 1-3, 5-9, 13, 16-17, 21, 28, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boring in view of Buermann. This rejection is respectfully traversed.

In making the rejection the Examiner stated:

Boring discloses a valve (figure 3) including a first fitting (see figure 3, the nozzle 24), a second fitting connectable to a tank (see figure 3, element 26), a tapered cylinder (56) having an inner tapered surface and outer tapered surface (see figure 1), each having a securing means (68 and 70) on both said inner and said outer tapered surface, a base extending across the tapered cylinder, the base positioned to inhibit particles from entering the first fitting (see figure 3), wherein the tapered cylinder having a base includes a first and second open end (see figure 1, near 60 and 70). Still discloses a strip (28) attached to one side of the

tapered cylinder and bendable about the valve, however, Stull fails to disclose a second strap attached to another side of the tapered cylinder. Office action at 4.

First, Applicant-Appellant submits that the Examiner referred to Stull when discussing the rejection in view of Boring. Applicant-Appellant submits that it appears this was an error and thus Applicant-Appellant will only address Boring here as Stull was addressed above.

In response to the rejections, Applicant-Appellant submits that Boring fails to teach or suggest a securing means on the inner surface of the tapered cylinder as recited in the claimed invention. Boring discloses element (68) as securing means of the inner surface of the tapered cylinder. However, Applicant-Appellant submits that element (68) is not located on an inner surface of a tapered cylinder but on a lower portion of the nozzle (56) which is not tapered. Therefore, element (68) is not an inner securing means of a tapered cylinder.

In contrast, Applicant-Appellant's independent claim 1 recites, "a securing means on both said inner and said outer tapered surfaces, either of said securing means configured to allow mounting onto a valve fitting...." Applicant-Appellant's independent claim 17 recites, "a tapered cylinder having an inner and outer surface configured to secure the cylinder onto a valve fitting...." Applicant-Appellant's independent claim 30 recites, "a tapered cylinder having a first end and a second end, the

second end including an inner tapered surface having a securing means...."

As Boring fails to teach or suggest elements of independent claims 1, 17, and 30, Applicant-Appellant submits that Boring fails to teach or suggest the present invention. Further, Applicant-Appellant submits that Boring fails to teach or suggest a tapered cylinder having a base extending across the tapered cylinder and positioned to inhibit particles from entering the first fitting. As seen in Fig. 1 of Boring, nozzle 56 has an opening leading to the tapered cylinder. Thus, the tapered cylinder of the nozzle does not have a base and as such cannot inhibit particles from entering the valve. Further, in Figure 3 of Boring, when the nozzle 56 is joined to the valve 36, it is threaded onto the mounting stub and inwardly advanced by rotation to exert pressure to inwardly move the valve to unseat the inner valve head, rupture the membrane 54 and expose the valve ports. Boring, col. 4, lines 32-40. Thus, membrane 54 is not positioned to inhibit particles from entering the valve. Additionally, membrane 54 does not extend across the tapered cylinder of the nozzle.

In contrast independent claim 1 recites, "a base extending across said tapered cylinder, said base positioned to inhibit particles from entering the first fitting...." Independent claim 17 recites, "a base mounted within said tapered cylinder, said

base positioned to inhibit particles from entering the first fitting...." Independent claim 30 recites, "a base configured to inhibit particles from entering the valve fitting...." As Boring fails to teach or suggest elements of independent claims 1, 17, and 30, Applicant-Appellant submits that these claims are novel and non obvious over the cited references.

Additionally, Applicant-Appellant submits that the cited Boring reference is in a non analogous field and thus should not be relied upon. For Boring to be relied upon as a basis for rejection of Applicant-Appellant's invention, it must either be in the field of Applicant-Appellant's endeavor or be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). Here, Applicant-Appellant's field of endeavor comprises fluid stored in industrial tanks. Applicant-Appellant's specification, page 1, lines 12-15 and lines 18-27. In contrast, Boring's field of endeavor comprises caulking cartridges. Boring, col. 1, lines 5-7. Clearly the field of endeavor of Boring differs from the field of industrial fluid storage. Further, Boring is not reasonably pertinent to the particular problem with which Applicant-Appellant was concerned. As stated in Applicant-Appellant's specification, Applicant-Appellant was concerned with providing a device for notification of tampering, and prevention of particulate contamination of fluid stored in industrial tanks.

Applicant-Appellant's specification, page 1, lines 12-15 and lines 18-27. In contrast, Boring was concerned with the difficulties of opening conventional caulking cartridges as well as the difficulty in resealing a partially used cartridge (Boring, col. 1, lines 17-39) and not with notification of tampering of an industrial fluid tank or prevention of particulate contamination of fluid store in industrial tanks. Therefore, as the cited Boring reference is neither in Applicant-Appellant's field of endeavor nor reasonably pertinent to the particular problem with which Applicant-Appellant was concerned, it should not be considered analogous art to be relied upon in this obviousness rejection.

Further, Applicant-Appellant submits that Buermann fails to supplement the missing teachings of Boring. With regard to Buermann the Examiner stated:

Buermann discloses a tamper notification and protection device comprising means (1 and 13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the means or the tapered cylinder for blocking the first fitting (see figure 2), first strap fastenable to the second strap (28 and 94), a burst disk (28), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a strap receiver (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a first and second strips in arrangement with Stull's tapered cylinder in order to secure the tapered cylinder on the valve. Office action, at 4.

First, Applicant-Appellant submits that it appears that the Examiner appeared to refer to Boring instead of Stull, therefore, Boring will be addressed instead of Stull.

In response to the argument that Buermann supplements the missing teaching of Boring regarding providing the second strap, Applicant submits combination of the cited references would still not result in the two straps being able to be joined together as recited in the claimed invention. Strip 72 in Boring is attached on one side to nozzle 56 and on the other side to mounting stub 20. If another strap were attached to the other side of nozzle 56, the two straps could not meet up for joining since the first strap end extends from the stub and connects to the nozzle.

In contrast, Applicant-Appellant's claim 1 recites, "a locking mechanism configured to fasten said locking mechanism to join said first strap to said second strap...." Applicant-Appellant's claim 17 recites, "said first strap configured to be fastenable to said second strap." Applicant-Appellant's claim 30 recites, "a fastener allowing joining of said first strap to said second strap...." The cited references fail to teach or suggest elements of independent claims 1, 17, and 30. Therefore, Applicant-Appellant submits that these claims are novel and non obvious over the cited references.

The Examiner asserted that Buermann discloses a burst disk (28) as well as a strap receiver (28). In support of this assertion the Examiner stated:

Regarding the intended used limitation 'a ring through which the burst strap is insertable', a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Office action, at page 4.

In response, Applicant-Appellant submits that element (28) of Buermann is not capable of performing both intended uses both as labeled by the Examiner. Applicant-Appellant submits that Buermann discloses that element (28) is clasp receptacle (28) attached to the first strap (2). Buermann, col. 6, lines 54-55. Applicant-Appellant submits that it appears the Examiner is referring to element (28), the clasp receptacle, as both an element through which the burst disk is insertable and the strap receiver. Applicant-Appellant submits that element (28) could not function as both an element through which the burst disk is insertable and a clasp receptacle as the burst disk inserted within element (28) would interfere with the clasp receptacle functions. Modifying Buermann such that element (28) functioned as an element through which a burst disk were inserted would change a principle of operation of Buermann of having a clasp mechanism (Buermann, col. 2, lines 11-12) as element 28 could not

have dual functions as asserted by the Examiner. The M.P.E.P. explicitly states that if “the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” M.P.E.P. § 2143.01, 2100-141 (Sept. 2007) (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). In contrast, the present invention claims a separate element through which a burst disk is insertable and a separate element for a locking mechanism or straps fastenable to each other.

Specifically, Applicant-Appellant’s independent claim 1 recites, “said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...and a locking mechanism configured to fasten said locking mechanism to join said first strap to said second strap....” Applicant-Appellant’s independent claim 17 recites, “said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...said first strap configured to be fastenable to said second strap.” Applicant-Appellant’s claim 30 recites, “said first strap having a ring through which said burst disk is insertable, said ring further having an extended base...a fastener allowing joining of said first strap to said second strap....”

Further, Applicant-Appellant submits that its claimed ring includes an extended base, unlike the clasp of Buermann. The extended base is helpful with placing the ring about the burst disk. Buermann fails to teach or suggest a ring through which a burst disk is insertable having an extended base as claimed in Applicant-Appellant-Appellant's claimed invention.

As Buermann fails to teach or suggest elements of independent claims 1, 17, and 30, Applicant-Appellant submits that these claims are novel and non obvious over the cited references.

Further, claims 2, 3, 5-9, 13, and 16, which depend either directly or indirectly from independent claim 1, are allowable for at least the same reasons as claim 1. Also, claims 21 and 27-28 which depend from claim 17 are allowable for at least the same reasons as claim 17.

Conclusion

For at least the reasons submitted above, Applicant submits that claims 1-3, 5-9, 13, 16, 17, 21, 27-28, and 30 are patentable over the cited references. Accordingly, Applicant-Appellant respectfully submits that a decision regarding patentability should be made in favor of Applicant-Appellant.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

UNDER 37 CFR ' 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with §1.6(a)(4) on the date shown below.

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(viii) *Claims Appendix.*

1. A tamper notification and protection device for use with a valve, said valve including a first fitting to be protected, a second fitting connectable to a tank, and a burst disk, said device comprising:

a tapered cylinder having an inner tapered surface and outer tapered surface each having a securing means on both said inner and said outer tapered surfaces, either of said securing means configured to allow mounting onto a valve fitting;

a base extending across said tapered cylinder, said base positioned to inhibit particles from entering the first fitting;

a first strap attached to one side of the tapered cylinder and bendable about the valve, said first strap having a ring through which said burst disk is insertable, said ring further having an extended base;

a second strap attached to another side of the tapered cylinder and bendable about the valve; and

a locking mechanism configured to fasten said locking mechanism to join said first strap to said second strap such that said locking mechanism indicates detachment when unlocked after locking, thereby providing a tamper notification.

2. The device of claim 1 further comprising a tab disposed on said first strap, said tab including perforations.
3. The device of claim 1 further comprising at least one indentation at which said first and second straps are bendable.
4. (cancelled)
5. The device of claim 1 further comprising channels at which said first and second straps are bendable.
6. The device of claim 1 wherein said means for fastening includes a tongue included within said first strap.
7. The device of claim 6 wherein said means for fastening includes a tongue receiver included within said second strap.
8. The device of claim 7 wherein said tongue includes a saw edge fastenable to said tongue receiver.
9. The device of claim 8 wherein said tongue receiver includes a protrusion preventing said saw edge tongue from being retracted after insertion.

10-12. (cancelled)

13. The device of claim 1 wherein said first strap is bendable at three locations and said second strap is bendable at one location, said straps forming a square-like shape when fastened to one another.

14-15. (cancelled)

16. The device of claim 1 wherein said securing means are tangs.

17. A tamper notification and protection device for use with a valve, said valve including a first fitting to be protected, a second fitting connectable to a tank, and a burst disk, said device comprising:

a tapered cylinder having an inner and outer surface configured to secure the cylinder onto a valve fitting;

a base mounted within said tapered cylinder, said base positioned to inhibit particles from entering the first fitting; and

a first strap and a second strap configured to be bendable about said valve, said first strap having a ring through which said burst disk is insertable, said ring further having an extended base, said tapered cylinder being disposed between said

first strap and said second strap, and said first strap configured to be fastenable to said second strap.

18-20. (cancelled)

21. The device of claim 17 further comprising a tab disposed on said first strap, said tab including perforations.

22-26. (cancelled)

27. The device of claim 17 wherein said tapered cylinder having a base includes a first and a second open end each configured to allow mounting to a valve fitting, wherein at least one of said open ends includes tangs on both said inner surface and said outer surface.

28. The device of claim 17 wherein said first strap is bendable at three locations and said second strap is bendable at one location, said straps forming a square-like shape when fastened to one another.

29. (cancelled)

30. A protection device for use with a valve, said valve including a valve fitting connectable to a distribution mechanism and a burst disk, said device comprising:

a tapered cylinder having a first end and a second end, the second end including an inner tapered surface having a securing means, and an outer tapered surface having a securing means, said tapered cylinder attachable to valve fittings of various sizes by using one of either said securing means of said inner surface or said securing means of said outer surface; a base configured to inhibit particles from entering the valve fitting;

a first strap attached to one side of the tapered cylinder and bendable about the valve, said first strap having a ring through which said burst disk is insertable, said ring further having an extended base;

a second strap attached to another side of the tapered cylinder and bendable about the valve; and

a fastener allowing joining of said first strap to said second strap, wherein said fastener, once fastened, cannot be unfastened without damaging said protection device such that tampering is evident.

31-32. (cancelled)

(ix) *Evidence Appendix.*

Applicant-Appellant hereby submits a copy of U.S. Patent Nos. 5,417,349, 6,003,714, and 5,297,697 cited by the Examiner in making the rejections.

(x) *Related Proceedings Appendix.*

None